

106TH CONGRESS
1ST SESSION

S. 1558

To amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. BAUCUS (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Open
5 Space Bonds Act of 1999”.

1 **SEC. 2. CREDIT FOR HOLDERS OF COMMUNITY OPEN**
 2 **SPACE BONDS.**

3 (a) IN GENERAL.—Part IV of subchapter A of chap-
 4 ter 1 of the Internal Revenue Code of 1986 (relating to
 5 credits against tax) is amended by adding at the end the
 6 following new subpart:

7 **“Subpart H—Nonrefundable Credit for Holders of**
 8 **Community Open Space Bonds**

“Sec. 54. Credit to holders of Community Open Space bonds.

9 **“SEC. 54. CREDIT TO HOLDERS OF COMMUNITY OPEN**
 10 **SPACE BONDS.**

11 “(a) ALLOWANCE OF CREDIT.—In the case of a tax-
 12 payer who holds a Community Open Space bond on a cred-
 13 it allowance date which occurs during the taxable year,
 14 there shall be allowed as a credit against the tax imposed
 15 by this chapter for such taxable year an amount equal to
 16 the sum of the credits determined under subsection (b)
 17 with respect to credit allowance dates during such year
 18 on which the taxpayer holds such bonds.

19 “(b) AMOUNT OF CREDIT.—

20 “(1) IN GENERAL.—The amount of the credit
 21 determined under this subsection with respect to any
 22 credit allowance date for a Community Open Space
 23 bond is an amount equal to the product of—

1 “(A) the credit rate determined by the Sec-
2 retary under paragraph (2), multiplied by

3 “(B) the face amount of the bond held by
4 the taxpayer on the credit allowance date.

5 “(2) DETERMINATION.—During each calendar
6 month, the Secretary shall determine a credit rate
7 which shall apply to bonds issued during the fol-
8 lowing calendar month. The credit rate for any 3-
9 month period ending on a credit allowance date is
10 the percentage which the Secretary estimates will on
11 average equal the yield on corporate bonds out-
12 standing on the day before the date of such deter-
13 mination.

14 “(3) SPECIAL RULE FOR ISSUANCE AND RE-
15 DEMPTION.—In the case of a bond which is issued
16 during the 3-month period ending on a credit allow-
17 ance date, the amount of the credit determined
18 under this subsection with respect to such credit al-
19 lowance date shall be a ratable portion of the credit
20 otherwise determined based on the portion of the 3-
21 month period during which the bond is outstanding.
22 A similar rule shall apply when the bond is re-
23 deemed.

24 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

1 “(1) IN GENERAL.—The credit allowed under
2 subsection (a) for any taxable year shall not exceed
3 the excess of—

4 “(A) the sum of the regular tax liability
5 (as defined in section 26(b)) plus the tax im-
6 posed by section 55, over

7 “(B) the sum of the credits allowable
8 under this part (other than this subpart and
9 subpart C).

10 “(2) CARRYFORWARD OF UNUSED CREDIT.—If
11 the credit allowable under subsection (a) exceeds the
12 limitation imposed by paragraph (1) for such taxable
13 year, such excess shall be carried to each of the 5
14 taxable years following the unused credit year and
15 added to the credit allowable under subsection (a)
16 for each such taxable year, subject to the application
17 of paragraph (1) to such taxable year.

18 “(d) COMMUNITY OPEN SPACE BOND.—For pur-
19 poses of this section—

20 “(1) IN GENERAL.—The term ‘Community
21 Open Space bond’ means any bond issued as part of
22 an issue if—

23 “(A) 95 percent or more of the proceeds of
24 such issue are to be used for a qualified envi-
25 ronmental infrastructure project,

1 “(B) the bond is issued by a State or local
2 government,

3 “(C) the issuer—

4 “(i) designates such bond for purposes
5 of this section,

6 “(ii) has a reasonable expectation that
7 at least 10 percent of the proceeds of such
8 issue will be spent for qualifying environ-
9 mental infrastructure projects within 6
10 months of the date such bonds are issued,

11 “(iii) certifies such proceeds will be
12 used with due diligence for qualified envi-
13 ronmental infrastructure projects, and

14 “(iv) has a reasonable expectation
15 that any property acquired or improved in
16 connection with the proceeds of such issue,
17 other than property improved in connection
18 with a qualified environmental infrastruc-
19 ture project described in paragraph
20 (2)(A)(v), shall continue to be dedicated to
21 a qualified use for a period of not less than
22 15 years from the date of such issue,

23 “(D) such bond satisfies public approval
24 requirements similar to the requirements of sec-
25 tion 147(f)(2),

1 “(E) except as provided in paragraph
 2 (4)(B), the payment of the principal of such
 3 issue is secured by taxes of general applicability
 4 imposed by a general purpose governmental
 5 unit, and

6 “(F) the term of each bond which is part
 7 of such issue does not exceed 15 years.

8 “(2) QUALIFIED ENVIRONMENTAL INFRASTRUC-
 9 TURE PROJECT.—

10 “(A) IN GENERAL.—The term ‘qualified
 11 environmental infrastructure project’ means—

12 “(i) acquisition of qualified property
 13 for use as open space, wetlands, public
 14 parks, or greenways, or to improve access
 15 to public lands by non-motorized means,

16 “(ii) construction, rehabilitation, or
 17 repair of a visitor facility in connection
 18 with qualified property, including nature
 19 centers, campgrounds, and hiking or biking
 20 trails,

21 “(iii) remediation of qualified property
 22 to enhance water quality by—

23 “(I) restoring natural hydrology
 24 or planting trees and streamside vege-
 25 tation,

1 “(II) controlling erosion,
 2 “(III) restoring wetlands, or
 3 “(IV) treating conditions caused
 4 by the prior disposal of toxic or other
 5 waste,

6 “(iv) acquisition of a qualified ease-
 7 ment in order to maintain the use and
 8 character of the property in connection to
 9 which such easement is granted as open
 10 space, including an easement to allow ac-
 11 cess to public land by non-motorized
 12 means, and

13 “(v) environmental assessment and re-
 14 mediation of real property and public in-
 15 frastructure owned by a governmental unit
 16 and located in an area where or on which
 17 there has been a release (or threat of re-
 18 lease) or disposal of any hazardous sub-
 19 stance (within the meaning of section 198),
 20 but not including any property described in
 21 subparagraph (D).

22 “(B) QUALIFIED PROPERTY.—The term
 23 ‘qualified property’ means real property—

24 “(i) which is, or is to be, owned by—

25 “(I) a governmental unit, or

1 “(II) an organization described
 2 in section 501(c)(3) and exempt from
 3 taxation under section 501(a) and
 4 which has as one of its purposes envi-
 5 ronmental preservation, and

6 “(ii) which is reasonably anticipated
 7 to be available for use by members of the
 8 general public, unless such use would
 9 change the character of the property and
 10 be contrary to the qualified use of the
 11 property.

12 “(C) SAFE HARBOR FOR MANAGEMENT
 13 CONTRACTS.—For purposes of subparagraph
 14 (B), property shall not be treated as qualified
 15 property if any rights or benefits of such prop-
 16 erty inure to a private person other than rights
 17 or benefits under a management contract or
 18 similar type of operating agreement to which
 19 rules similar to the rules applicable to tax-ex-
 20 empt bonds apply.

21 “(D) CERCLA PROPERTY.—Property is de-
 22 scribed in this subparagraph if any portion of
 23 such property is included, or proposed to be in-
 24 cluded, in the national priorities list under sec-
 25 tion 105(a)(8)(B) of the Comprehensive Envi-

ronmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

“(E) LIMIT ON DISPOSITION OF PROPERTY.—Any disposition of any interest in property acquired or improved in connection with a qualified environmental project described in this paragraph (except a project described in subparagraph (A)(v)) shall contain an option (recorded pursuant to applicable State or local law) to purchase such property for an amount equal to the original acquisition price of such property for any interested organizations described in subparagraph (B)(i)(II) if such organization purchases such property subject to a restrictive covenant requiring a continued qualified use of such property.

“(3) TEMPORARY PERIOD EXCEPTION.—

“(A) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part—

“(i) are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for

1 the purpose for which such issue was
2 issued, or

3 “(ii) are used within 90 days of the
4 close of such temporary period to redeem
5 bonds which are a part of such issue.

6 Any earnings on such proceeds during the pe-
7 riod under clause (i) shall be treated as pro-
8 ceeds of the issue for purposes of applying
9 paragraph (1)(A).

10 “(B) INVESTMENT OF PROCEEDS.—For
11 purposes of subparagraph (A), proceeds shall
12 only be invested in—

13 “(i) Government securities, and

14 “(ii) in the case of a sinking fund es-
15 tablished by the issuer, State and local
16 government securities issued by the Treas-
17 ury.

18 “(4) SPECIAL RULES FOR PROJECTS DE-
19 SCRIBED IN PARAGRAPH (2)(A)(v).—

20 “(A) LIMIT ON USE OF PROCEEDS FOR
21 PROJECT.—This subsection shall not apply to
22 any bond issued as part of an issue if an
23 amount of the proceeds from such issue are
24 used for a qualified environmental infrastruc-
25 ture project described in paragraph (2)(A)(v)

1 and involving public infrastructure in excess of
 2 an amount equal to 5 percent of the total
 3 amount of such proceeds used for all projects
 4 described in such paragraph (2)(A)(v).

5 “(B) PRIVATE USE AND REPAYMENT OF
 6 PROCEEDS.—In the case of proceeds of an issue
 7 which are used for a qualified environmental in-
 8 frastructure project described in paragraph
 9 (2)(A)(v), the issue of which such bonds are a
 10 part shall not fail to meet the requirements of
 11 this subsection solely because the proceeds of a
 12 disposition of any interest in such property are
 13 used to redeem such bonds as long as the pur-
 14 chaser of such property makes an irrevocable
 15 election not to claim any deduction with respect
 16 to such project under section 198.

17 “(5) RECAPTURE OF CREDIT AMOUNT.—

18 “(A) IN GENERAL.—If, during the taxable
 19 year, any bond that is part of an issue under
 20 this section fails to meet the requirements of
 21 this subsection—

22 “(i) such bond shall not be treated as
 23 a Community Open Space bond for such
 24 taxable year and any succeeding taxable
 25 year, and

1 “(ii) the issuer of such bond shall be
 2 liable for payment to the United States of
 3 the credit recapture amount.

4 Such payment shall be made at such time and
 5 in such manner as determined by the Secretary.

6 “(B) CREDIT RECAPTURE AMOUNT.—For
 7 purposes of subparagraph (A), the credit recap-
 8 ture amount is an amount equal to the sum
 9 of—

10 “(i) the aggregate amount of credit
 11 allowed with respect to such bond for the
 12 3 preceding taxable years, plus

13 “(ii) interest (at the underpayment
 14 rate established under section 6621) on the
 15 credit amount from the date such credit
 16 was allowed to the payment date under
 17 subparagraph (A).

18 “(e) LIMITATIONS ON AMOUNT OF BONDS DES-
 19 IGNATED.—

20 “(1) IN GENERAL.—There is a Community
 21 Open Space bond limitation for each calendar year
 22 equal to—

23 “(A) \$1,900,000,000 for each of years
 24 2000 through 2004, and

1 “(B) except as provided in paragraph (3),
2 zero after 2004.

3 “(2) ALLOCATION OF LIMITATION AMONG
4 STATES AND LOCAL GOVERNMENTS.—

5 “(A) IN GENERAL.—The limitation amount
6 to be allocated under paragraph (1) for any cal-
7 endar year shall be allocated among States and
8 local governments with an approved application
9 on a competitive basis by the Community Open
10 Space Bonds Board (referred to in this sub-
11 section as the ‘Board’) established under sec-
12 tion 3 of the Community Open Space Bonds
13 Act of 1999.

14 “(B) APPROVED APPLICATION.—For pur-
15 poses of subparagraph (A), the term ‘approved
16 application’ means an application which is ap-
17 proved by the Board, and which includes such
18 information as the Board requires.

19 “(C) ALLOCATION TO EACH STATE.—The
20 Board shall, in accordance with the criteria for
21 approval of applications, allocate amounts in
22 any calendar year to at least 1 approved appli-
23 cation from each State, or local government of
24 such State, which submits such application.

1 “(3) CARRYOVER OF UNUSED LIMITATION.—If
2 for any calendar year—

3 “(A) the limitation amount under para-
4 graph (1), exceeds

5 “(B) the aggregate limitation amount allo-
6 cated to States and local governments under
7 this section,

8 the limitation amount under paragraph (1) for the
9 following calendar year shall be increased by the
10 amount of such excess. No limitation amount shall
11 be carried forward under this paragraph more than
12 3 years.

13 “(f) OTHER DEFINITIONS; SPECIAL RULES.—For
14 purposes of this subpart—

15 “(1) BOND.—The term ‘bond’ includes any ob-
16 ligation.

17 “(2) CREDIT ALLOWANCE DATE.—The term
18 ‘credit allowance date’ means—

19 “(A) March 15,

20 “(B) June 15,

21 “(C) September 15, and

22 “(D) December 15.

23 Such term includes the last day on which the bond
24 is outstanding.

1 “(3) QUALIFIED EASEMENT.—The term ‘quali-
2 fied easement’ means a perpetual easement—

3 “(A) which would be a qualified conserva-
4 tion contribution under section 170(h) if such
5 easement were a contribution under such sec-
6 tion, and

7 “(B) which is to be held by an entity de-
8 scribed in subclause (I) or (II) of subsection
9 (d)(2)(B)(i).

10 “(4) QUALIFIED USE.—The term ‘qualified use’
11 means, with respect to property, a use which is con-
12 sistent with the purpose of the qualified environ-
13 mental infrastructure project related to such prop-
14 erty.

15 “(5) STATE.—The term ‘State’ includes the
16 District of Columbia, any possession of the United
17 States, and any Indian tribe (as defined in section
18 45A(c)(6)).

19 “(6) PARTNERSHIP; S CORPORATION; AND
20 OTHER PASS-THRU ENTITIES.—Under regulations
21 prescribed by the Secretary, in the case of a partner-
22 ship, trust, S corporation, or other pass-thru entity,
23 rules similar to the rules of section 41(g) shall apply
24 with respect to the credit allowable under subsection
25 (a).

1 “(g) CREDIT INCLUDED IN GROSS INCOME.—Gross
 2 income includes the amount of the credit allowed to the
 3 taxpayer under this section and the amount so included
 4 shall be treated as interest income.

5 “(h) BONDS HELD BY REGULATED INVESTMENT
 6 COMPANIES.—If any Community Open Space bond is held
 7 by a regulated investment company, the credit determined
 8 under subsection (a) shall be allowed to shareholders of
 9 such company under procedures prescribed by the Sec-
 10 retary.

11 “(i) CREDITS MAY BE STRIPPED.—Under regula-
 12 tions prescribed by the Secretary—

13 “(1) IN GENERAL.—There may be a separation
 14 (including at issuance) of the ownership of a Com-
 15 munity Open Space bond and the entitlement to the
 16 credit under this section with respect to such bond.
 17 In case of any such separation, the credit under this
 18 section shall be allowed to the person which, on the
 19 credit allowance date, holds the instrument evidenc-
 20 ing the entitlement to the credit and not to the hold-
 21 er of the bond.

22 “(2) CERTAIN RULES TO APPLY.—In the case
 23 of a separation described in paragraph (1), the rules
 24 of section 1286 shall apply to the Community Open
 25 Space bond as if it were a stripped bond and to the

1 credit under this section as if it were a stripped cou-
 2 pon.

3 “(j) TREATMENT FOR ESTIMATED TAX PURPOSES.—

4 Solely for purposes of sections 6654 and 6655, the credit
 5 allowed by this section to a taxpayer by reason of holding
 6 a Community Open Space bond on a credit allowance date
 7 shall be treated as if it were a payment of estimated tax
 8 made by the taxpayer on such date.

9 “(k) CREDIT MAY BE TRANSFERRED.—Nothing in
 10 any law or rule of law shall be construed to limit the trans-
 11 ferability of the credit allowed by this section through sale
 12 and repurchase agreements.

13 “(l) REPORTING.—Issuers of Community Open Space
 14 bonds shall submit reports similar to the reports required
 15 under section 149(e).”

16 (b) REPORTING.—Subsection (d) of section 6049 of
 17 the Internal Revenue Code of 1986 (relating to returns
 18 regarding payments of interest) is amended by adding at
 19 the end the following:

20 “(8) REPORTING OF CREDIT ON COMMUNITY
 21 OPEN SPACE BONDS.—

22 “(A) IN GENERAL.—For purposes of sub-
 23 section (a), the term ‘interest’ includes amounts
 24 includible in gross income under section 54(f)
 25 and such amounts shall be treated as paid on

1 the credit allowance date (as defined in section
2 54(f)(2)).

3 “(B) REPORTING TO CORPORATIONS,
4 ETC.—Except as otherwise provided in regula-
5 tions, in the case of any interest described in
6 subparagraph (A) of this paragraph, subsection
7 (b)(4) of this section shall be applied without
8 regard to subparagraphs (A), (H), (I), (J), (K),
9 and (L)(i).

10 “(C) REGULATORY AUTHORITY.—The Sec-
11 retary may prescribe such regulations as are
12 necessary or appropriate to carry out the pur-
13 poses of this paragraph, including regulations
14 which require more frequent or more detailed
15 reporting.”

16 (c) CLERICAL AMENDMENTS.—

17 (1) The table of subparts for part IV of sub-
18 chapter A of chapter 1 of the Internal Revenue Code
19 of 1986 is amended by adding at the end the fol-
20 lowing:

“Subpart H. Nonrefundable Credit for Holders of Community
Open Space Bonds.”

21 (2) Section 6401(b)(1) of such Code is amend-
22 ed by striking “and G” and inserting “G, and H”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to obligations issued after Decem-
 3 ber 31, 1999.

4 **SEC. 3. COMMUNITY OPEN SPACE BONDS BOARD.**

5 (a) ESTABLISHMENT.—There is established in the
 6 Executive Branch a board to be known as the Community
 7 Open Space Bonds Board (in this section referred to as
 8 the “Board”).

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Board shall be com-
 11 posed of 18 members, as follows:

12 (A) 3 members shall be individuals who are
 13 not otherwise Federal officers or employees and
 14 who are appointed by the President, by and
 15 with the advice and consent of the Senate.

16 (B) 8 members, not be affiliated with the
 17 same political party, shall be individuals who
 18 represent Governors, or other chief executive of-
 19 ficers, of a State, mayors, and county commis-
 20 sioners and who are appointed by the President,
 21 by and with the advice and consent of the Sen-
 22 ate.

23 (C) 1 member shall be the Administrator
 24 of the Environmental Protection Agency or the
 25 Administrator’s designee.

1 (D) 1 member shall be the Secretary of
2 Agriculture or the Secretary's designee.

3 (E) 1 member shall be the Secretary of
4 Housing and Urban Development or the Sec-
5 retary's designee.

6 (F) 1 member shall be the Secretary of In-
7 terior or the Secretary's designee.

8 (G) 1 member shall be the Secretary of
9 Transportation or the Secretary's designee.

10 (H) 1 member shall be the Secretary of the
11 Treasury or the Secretary's designee.

12 (I) 1 member shall be the Director of the
13 Federal Emergency Management Agency or the
14 Director's designee.

15 (2) QUALIFICATIONS AND TERMS.—

16 (A) QUALIFICATIONS.—Members of the
17 Board described in paragraph (1)(A) shall be
18 appointed without regard to political affiliation
19 and solely on the basis of their professional ex-
20 perience and expertise in 1 or more of the fol-
21 lowing areas:

22 (i) Tax-exempt organizations which
23 have as a principal purpose environmental
24 protection and land conservation.

25 (ii) Community planning.

1 (iii) Real estate investment and bond
2 financing.

3 In the aggregate, the members of the Board de-
4 scribed in paragraph (1)(A) should collectively
5 bring to bear expertise in all of the areas de-
6 scribed in the preceding sentence and should
7 represent each position contained in such para-
8 graph and different regions of the country.

9 (B) TERMS.—Each member who is de-
10 scribed in subparagraph (A) or (B) of para-
11 graph (1) shall be appointed for a term of 3
12 years, except that of the members first
13 appointed—

14 (i) 3 members shall be appointed for
15 a term of 1 year,

16 (ii) 4 members shall be appointed for
17 a term of 2 years, and

18 (iii) 4 members shall be appointed for
19 a term of 3 years.

20 (C) REAPPOINTMENT.—An individual who
21 is described in subparagraph (A) or (B) of
22 paragraph (1) may be appointed to no more
23 than one 3-year term on the Board.

24 (D) VACANCY.—Any vacancy on the Board
25 shall be filled in the same manner as the origi-

1 nal appointment. Any member appointed to fill
2 a vacancy occurring before the expiration of the
3 term for which the member's predecessor was
4 appointed shall be appointed for the remainder
5 of that term.

6 (3) INITIAL MEETING.—Not later than 30 days
7 after the date on which all members of the Board
8 have been appointed, the Board shall hold its first
9 meeting. Subsequent meetings shall be determined
10 by the Board by majority vote or held at the call of
11 the Chairperson.

12 (4) QUORUM.—A majority of the members of
13 the Board shall constitute a quorum, but a lesser
14 number of members may hold hearings.

15 (5) CHAIRPERSON.—The member described in
16 paragraph (1)(C) shall serve as the Chairperson of
17 the Board.

18 (6) REMOVAL.—

19 (A) IN GENERAL.—Any member of the
20 Board appointed under subparagraph (A) or
21 (B) of paragraph (1) may be removed at the
22 will of the President.

23 (B) SECRETARIES; DIRECTOR; ADMINIS-
24 TRATOR.—An individual described in subpara-
25 graphs (C) through (I) of paragraph (1) shall

1 be removed upon termination of service in the
2 office described in each such subparagraph.

3 (c) DUTIES OF THE BOARD.—

4 (1) IN GENERAL.—The Board shall review ap-
5 plications for allocation of the Community Open
6 Space bond limitation amounts under section
7 54(e)(2) of the Internal Revenue Code of 1986 and
8 approve applications in accordance with published
9 criteria.

10 (2) CRITERIA FOR APPROVAL.—The Board
11 shall promulgate a regulation to develop criteria for
12 approval of applications under paragraph (1), taking
13 into consideration the following guidelines:

14 (A) A distribution pattern of the overall
15 limitation amount available for the year which
16 results in the financing of each category of
17 qualified environmental infrastructure project
18 and results in an even distribution among dif-
19 ferent regions of the country and sizes of com-
20 munities.

21 (B) State or local government support of
22 proposed projects.

23 (C) Proposed projects which meet local and
24 regional environmental protection or planning
25 goals and leverage or make more efficient or in-

1 novative the use of other public or private re-
2 sources.

3 (D) Proposed projects which are intended
4 to maintain the viability of existing central
5 business districts, preserve the community's dis-
6 tinct character and values, and encourage the
7 reuse of property already served by public infra-
8 structure.

9 (E) The extent of expected improvement in
10 environmental quality, outdoor recreation op-
11 portunities, and access to public lands.

12 (3) ANNUAL REPORT.—The Board shall annu-
13 ally report with respect to the conduct of its respon-
14 sibilities under this section to the President and
15 Congress and such report shall include—

16 (A) the overall progress of the Community
17 Open Space bond program, and

18 (B) the overall limitation amount allocated
19 during the year and a description of the
20 amount, region, and qualified environmental in-
21 frastructure project financed by each allocation.

22 (4) CONFLICT OF INTEREST.—The Board shall
23 carry out its duties under this subsection in such a
24 way to ensure that all conflicts of interest of its
25 members are avoided.

1 (d) POWERS OF THE BOARD.—

2 (1) HEARINGS.—The Board may hold such
3 hearings, sit and act at such times and places, take
4 such testimony, and receive such evidence as the
5 Board considers advisable to carry out the purposes
6 of this section.

7 (2) INFORMATION FROM FEDERAL AGENCIES.—

8 The Board may secure directly from any Federal de-
9 partment or agency such information as the Board
10 considers necessary to carry out the provisions of
11 this section, including the published and unpublished
12 data and analytical products of the Bureau of Labor
13 Statistics. Upon request of the Chairperson of the
14 Board, the head of such department or agency shall
15 furnish such information to the Board.

16 (3) POSTAL SERVICES.—The Board may use
17 the United States mails in the same manner and
18 under the same conditions as other departments and
19 agencies of the Federal Government.

20 (e) BOARD PERSONNEL MATTERS.—

21 (1) COMPENSATION OF MEMBERS.—Each mem-
22 ber of the Board who is not otherwise an officer or
23 employee of the Federal Government shall be com-
24 pensated at a rate equal to the daily equivalent of
25 the annual rate of basic pay prescribed for level III

1 of the Executive Schedule under section 5315 of title
2 5, United States Code, for each day (including travel
3 time) during which such member is engaged in the
4 performance of the duties of the Board. All members
5 of the Board who otherwise are officers or employees
6 of the United States shall serve without compensa-
7 tion in addition to that received for their services as
8 officers or employees of the United States.

9 (2) TRAVEL EXPENSES.—The members of the
10 Board shall be allowed travel expenses, including per
11 diem in lieu of subsistence, at rates authorized for
12 employees of agencies under subchapter I of chapter
13 57 of title 5, United States Code, while away from
14 their homes or regular places of business in the per-
15 formance of services for the Board.

16 (3) STAFF.—

17 (A) IN GENERAL.—The Chairperson of the
18 Board may, without regard to the civil service
19 laws and regulations, appoint and terminate an
20 executive director and such other additional
21 personnel as may be necessary to enable the
22 Board to perform its duties. The employment of
23 an executive director shall be subject to con-
24 firmation by the Board.

1 (B) COMPENSATION.—The Chairperson of
2 the Board may fix the compensation of the ex-
3 ecutive director and other personnel without re-
4 gard to the provisions of chapter 51 and sub-
5 chapter III of chapter 53 of title 5, United
6 States Code, relating to classification of posi-
7 tions and General Schedule pay rates, except
8 that the rate of pay for the executive director
9 and other personnel may not exceed the rate
10 payable for level IV of the Executive Schedule
11 under section 5316 of such title.

12 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Any Federal Government employee may be detailed
14 to the Board without additional reimbursement
15 (other than the employee's regular compensation),
16 and such detail shall be without interruption or loss
17 of civil service status or privilege.

18 (5) PROCUREMENT OF TEMPORARY AND INTER-
19 MITTENT SERVICES.—The Chairperson of the Board
20 may procure temporary and intermittent services
21 under section 3109(b) of title 5, United States Code,
22 at rates for individuals which do not exceed the daily
23 equivalent of the annual rate of basic pay prescribed
24 for level V of the Executive Schedule under section
25 5316 of such title.

1 (f) DEFINITIONS.—For purposes of this section—

2 (1) STATE.—The term ‘State’ includes the Dis-
3 trict of Columbia, any possession of the United
4 States, and any Indian tribe (as defined in section
5 45A(c)(6)).

6 (2) QUALIFIED ENVIRONMENTAL INFRASTRUC-
7 TURE PROJECT.—The term ‘qualified environmental
8 infrastructure project’ has the same meaning given
9 that term in section 54(d)(2) of the Internal Rev-
10 enue Code of 1986.

11 (g) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Board such sums
13 as are necessary to carry out the purposes of this section.

14 (h) EFFECTIVE DATES.—

15 (1) IN GENERAL.—The amendments made by
16 this section shall take effect on the date of the en-
17 actment of this Act.

18 (2) INITIAL NOMINATIONS.—The President
19 shall submit the initial nominations under subpara-
20 graphs (A) and (B) of subsection (b)(1) to the Sen-
21 ate not later than 90 days after the date of the en-
22 actment of this Act.

23 (3) REGULATIONS.—Not later than January 1,
24 2000, the Board shall publish in the Federal Reg-

- 1 ister the guidelines and criteria for submission and
- 2 approval of applications under subsection (c).

